



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 FAX: 650.463.8400

URGENT
FAX RECEIVED

DEC 23 2002

FACSIMILE COVER SHEET

GROUP 1600

DATE: 12/20/2002

TO: **NAME:** Examiner Janet I. Epp, Group (Art Unit 1635)
COMPANY: Commissioner for Patents, USPTO
FAX NUMBER: (703) 305-3014 **PHONE NUMBER:** _____
CITY: WASHINGTON, D. C. 20231

FROM: **NAME:** Albert P. Halluin/Robin C. Chiang/walleje
DIRECT DIAL NUMBER: 650.463.8127 **USER ID:** 2020

NUMBER OF PAGES, INCLUDING COVER: 78 **CHARGE NUMBER:** 02486.0008.NPUS00

☐ **ORIGINAL WILL FOLLOW VIA.**
☐ **REGULAR MAIL** ☐ **OVERNIGHT DELIVERY** ☐ **HAND DELIVERY** ☐ **OTHER.** _____

☒ **ORIGINAL WILL NOT FOLLOW**

SUPPLEMENTAL MESSAGE:

Message: Transmitted herewith are:

1. Form PTO 1083 (in duplicate) (1 page);
2. Response to Office Action (30 pages);
3. Clean Version to Show Replacement Claims (20 pages);
4. Marked-Up Version to Show Changes Made (23 pages); and
5. Petition for Extension of Time Under 37 CFR 1.136 (in duplicate) (1 page).

PLEASE CONFIRM RECEIPT OF THIS FAX TRANSMISSION BY RETURN FACSIMILE AT (650) 463-8400. THANK YOU.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAME ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner Janet L. Epp (Group Art Unit 1635) at (703) 305-3014 of the U.S. Patent and Trademark Office on December 20, 2002.

Wanda alleje
Wanda Alleje

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025
(650) 463-8109

FORM PTO-1083

Attorney Docket No : EPI-00672
(02486.0008.NPUS00)

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

In re application of: Jonathan W. NYCE
Application Serial No. 09/093,972
Filed: June 9, 1998
For: **COMPOSITION, FORMULATION & METHOD FOR PREVENTION & TREATMENT OF DISEASE AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

Transmitted herewith are the following:

1. PTO Form 1083 (in duplicate);
2. Response to Office Action;
3. Marked-up Version to Show Changes Made.
4. Clean Version to Show Replacement Claims.
5. Petition For Extension of Time Under 37 C.F.R. § 1.136

 No Additional Claim Fee is required.

The claim fee has been calculated as shown below:

In the enclosed Response to Office Action, Applicant request the cancellation of one dependent claim (Claim 168) and the further entry of five new dependent claims (Claims 255-259). There are no multiple dependent claims. The applicant is a small entity. There is a net increase of four dependent claims of the total claims for an additional claim of \$36.00.

xx The U.S. Patent and Trademark Office is hereby authorized to charge a total of \$236.00 (\$200.00 (for the Petition For Extension of Time Under 37 C.F.R. § 1.136 for TWO (2) months - small entity) and \$36.00 (for four additional claims - small entity)) to our Deposit Account No. 08-3038 referencing Attorney Docket No.: 02486.0008.NPUS00.

xx The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing Attorney Docket No.: 02486.0008.NPUS00.

Date: December 20, 2002

Albert P. Hallum
Albert P. Hallum (Reg. No. 25,227)
Robin C. Chiang (Reg. No. 46,619)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner Janet L. Epp (Group Art Unit 1635) at (703) 305-3014 of the U.S. Patent and Trademark Office on December 20, 2002.

Wanda Alleje
Wanda Alleje

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#58/K.T.
B

In re application of:

Jonathan W. NYCE

Application No. 09/093,972

Filed: June 9, 1998

Art Unit: 1635

Examiner: Epps, Janet L.

Confirmation No.: 7855

Attorney's Docket No:

EPI-00672

(02486.0008.NPUS00)

For: **COMPOSITION, FORMULATION &
METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND
CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION,
ALLERGY(IES) & INFLAMMATION**

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

This submission is in response to the Office Action mailed from the U.S. Patent and Trademark Office on September 23, 2002. The response is submitted prior to or including the extended due date of **December 23, 2002**. A petition for a two (2) month extension of time and the requisite fee are enclosed herewith. If any further fees are required in order to maintain the pendency of the instant application, the Examiner is expressly authorized to charge such to Deposit Account No. 08-3038. The Examiner is respectfully requested to enter amendments and reconsider the application.